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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 JOHN M. HENRY, II,

Case No. 2:17-cv-00777-RFB-NJK

10 Plaintiff,

ORDER

11 v.

12 CLARK COUNTY DETENTION CENTER
et al.,

13 Defendants.
14

15 This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by
16 a former state prisoner. On March 22, 2018, this Court issued an order directing Plaintiff
17 to file his updated address with this Court within thirty (30) days. (ECF No. 5 at 2). The
18 thirty-day period has now expired, and Plaintiff has not filed his updated address or
19 otherwise responded to the Court's order.

20 District courts have the inherent power to control their dockets and "[i]n the
21 exercise of that power, they may impose sanctions including, where appropriate . . .
22 dismissal" of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831
23 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure
24 to prosecute an action, failure to obey a court order, or failure to comply with local rules.
25 See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance
26 with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal
27 for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856
28 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring
pro se plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833

1 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson*
2 *v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and
3 failure to comply with local rules).

4 In determining whether to dismiss an action for lack of prosecution, failure to obey
5 a court order, or failure to comply with local rules, the court must consider several factors:
6 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to
7 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring
8 disposition of cases on their merits; and (5) the availability of less drastic alternatives.
9 *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130;
10 *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

11 In the instant case, the Court finds that the first two factors, the public's interest in
12 expeditiously resolving this litigation and the Court's interest in managing the docket,
13 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs
14 in favor of dismissal, since a presumption of injury arises from the occurrence of
15 unreasonable delay in filing a pleading ordered by the court or prosecuting an action. See
16 *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public policy
17 favoring disposition of cases on their merits – is greatly outweighed by the factors in favor
18 of dismissal discussed herein. Finally, a court's warning to a party that his failure to obey
19 the court's order will result in dismissal satisfies the "consideration of alternatives"
20 requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779
21 F.2d at 1424. The Court's order requiring Plaintiff to file his updated address with the
22 Court within thirty (30) days expressly stated: "IT IS FURTHER ORDERED that, if Plaintiff
23 fails to timely comply with this order, the Court shall dismiss this case without prejudice."
24 (ECF No. 5 at 2). Thus, Plaintiff had adequate warning that dismissal would result from
25 his noncompliance with the Court's order to file his updated address within thirty (30)
26 days.

27 IT IS THEREFORE ORDERED that this action is dismissed without prejudice
28 based on Plaintiff's failure to file an updated address in compliance with this Court's March
22, 2018, order.

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IT IS FURTHER ORDERED that the Clerk of Court shall enter judgment accordingly and close this case.

DATED this 1st day of May, 2018.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE